

**AFFIDAVIT**

**1) AFFIANT/AGENT.**

I, Nathan Adams, a Border Patrol Agent of the United States Border Patrol, Customs and Border Protection, have been employed by the USBP/CBP for approximately 19 years and am currently assigned to the Grand Forks Sector Prosecution Unit.

Your affiant has reason to believe that PANDO-Soto, Manuel (DOB: XX/XX/1987, COB: Mexico), illegally reentered the United States after being removed following a felony conviction in violation of 8 U.S.C. § 1326(a) & (b)(1).

**2) INITIAL ENCOUNTER.**

On May 17, 2025, at approximately 3:15 PM, Officer Mathews of the Watford City Police Department contacted Grand Forks Sector dispatch (KAK720) requesting assistance. Border Patrol Agent (BPA) Lidstrom contacted the officer telephonically to provide the requested assistance. Officer Mathews stated that he encountered three subjects during a traffic stop for a suspended license plate in Watford City, North Dakota. A passenger, identified as Manuel PANDO-Soto, presented a Mexican identification document and spoke limited English. Given these factors, Officer Mathews contacted the U.S. Border Patrol for assistance.

BPA Lidstrom conducted record checks on PANDO's biographical information. Both criminal and immigration records returned positive. Immigration records showed that PANDO had been previously removed from the United States numerous times. No records could be found to indicate PANDO had any current immigration status allowing him to reside, pass through, or remain in the United States legally.

BPA Lidstrom requested to speak with PANDO. When Officer Mathews informed PANDO that a Border Patrol agent wished to speak with him, PANDO immediately refused to speak with BPA Lidstrom without a lawyer present. Based on PANDO's record checks, the Mexican identification document that appeared to match the person in prior records, PANDO being a national of Mexico, and no records being found that allowed PANDO to remain in the United States legally, BPA Lidstrom requested that Officer Mathews hold PANDO until a Border Patrol Agent could respond and take custody.

On May 17, 2025, at approximately 8:20 PM, Supervisory Border Patrol Agent (SBPA) Higgs arrived at the McKenzie County Correctional Center in Watford City, ND. Upon speaking with PANDO, SBPA Higgs identified himself as a United States Border Patrol agent and asked PANDO to provide his name. PANDO stated that his name was Manuel PANDO-Soto, which matched the name of the person that had been removed numerous times from the United States. SBPA Higgs then placed PANDO into Border Patrol custody and transported him to the Portal Border Patrol Station for processing.

**3) POST ARREST INVESTIGATION.**

Upon arriving at the Portal Border Patrol Station, PANDO was enrolled into NGI/IDENT, a computerized fingerprint identification system. The NGI/IDENT results returned with criminal and immigration history showing that the subject had been removed (6) prior times.

PANDO is a citizen and national of Mexico.

**4) IMMIGRATION HISTORY.**

1. Arrest Date: February 24, 2011  
 Arresting Agency: Immigration and Custom Enforcement, New Mexico  
 Charge: INA 212(a)(6)(A)(i) – Alien present without admission or parole – (PWAs)  
 Disposition: PANDO was issued a Notice to Appear/Released and released from custody. On March 4, 2013, PANDO was interviewed by ICE officers at the San Juan County Adult Detention Center, Farmington, New Mexico after being arrested for Distribution of Methamphetamine. ICE placed a detainer on PANDO at that time. On July 29, 2013, PANDO was ordered removed to Mexico by an immigration judge. On July 31, 2013, PANDO was removed from the United States to Mexico at El Paso, Texas.
  
2. Arrest Date: September 30, 2013  
 Arresting Agency: United States Border Patrol – Calexico, California  
 Charge: INA 212(a)(6)(A)(i) – Alien present without admission or parole – (PWAs)  
 Disposition: Reinstatement of prior order of removal. On September 30, 2013, PANDO was removed to Mexico at San Ysidro, California.
  
3. Arrest Date: October 10, 2013  
 Arresting Agency: United States Border Patrol – Calexico, California  
 Charge: INA 212(a)(9)(C)(i)(II) – Previously order removed and entered or attempted to enter without being admitted  
 Disposition: Reinstatement of prior order of removal. On October 13, 2013, PANDO was removed to Mexico at the Del Rio, Texas, International Bridge.
  
4. Arrest Date: November 2, 2013  
 Arresting Agency: United States Border Patrol – Calexico, California  
 Charge: INA 212(a)(9)(A)(ii) – Alien previously removed two or more times, not as an arriving alien, not aggravated felons  
 Disposition: Reinstatement of prior order of removal. On November 4, 2013, PANDO was removed to Mexico at the Del Rio, Texas, International Bridge.

5. Arrest Date: December 3, 2013  
Arresting Agency: United States Border Patrol – El Centro, California  
Charge: INA 212 (a)(9)(A)(ii) – Alien previously removed two or more times, not as an arriving alien, not aggravated felons  
Disposition: Reinstatement of prior order of removal. On December 4, 2013, PANDO was removed to Mexico at Calexico, California.
6. Arrest Date: August 21, 2019  
Arresting Agency: Immigration and Customs Enforcement, Wyoming  
Charge: INA 212(a)(9)(A)(ii) - Alien previously removed two or more times, not as an arriving alien, not aggravated felons  
Disposition: Reinstatement of prior order of removal. On October 15, 2019, PANDO was removed to Mexico at El Paso, Texas.

## **5) CRIMINAL RECORD:**

1. Arrest Date: March 4, 2013  
Arresting Agency: San Juan County Sheriff's Office –New Mexico  
Charge: Trafficking controlled substance  
Disposition: PANDO plead guilty to a lesser charge, Possession of a Controlled Substance. PANDO was sentenced to 1 year 6 months suspended sentence, and 1 year 6 months supervised probation.
2. Arrest Date: August 21, 2019  
Arresting Agency: Immigration and Customs Enforcement, Wyoming  
Charge: 8 USC 1326(a)(1) and (2) and (b)(1) – Illegal Re-Entry of a Previously Deported Alien  
Disposition: Criminal Complaint was signed on August 1, 2019. PANDO was taken into custody on August 21, 2019. On October 3, 2019, PANDO was convicted in the United States District Court for the District of Wyoming and sentenced to time served plus up to 10 days to facilitate deportation with no term of supervised release to follow.

## **6) MIRANDA RIGHTS/CONSULAR NOTIFICATION.**

On May 17, 2025, BPA Kluczek witnessed by SBPA Higgs notified PANDO of his Miranda Rights per Service Form I-214. PANDO refused to sign the Service Form I-214 and was not willing to answer questions without an attorney present.

BPA Kluczek notified PANDO of his right to consular communication; PANDO declined to speak with a consular official.

No record could be found to indicate that PANDO has ever applied for or been granted permission to reenter the United States by the Attorney General or by his successor, the Secretary of the Department of Homeland Security.

In my experience, the above facts constitute a violation of 8 U.S.C. § 1326(a) &(b)(1).

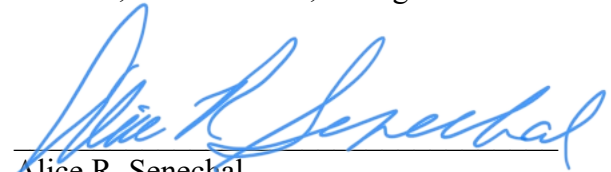
The foregoing is true and correct to the best of my knowledge and belief.



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Nathan Adams  
United States Border Patrol Agent

Sworn before me, this 19<sup>th</sup> day of May 2025, in Grand Forks, North Dakota, through reliable electronic means.



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Alice R. Senechal  
United States Magistrate Judge